



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2284

March 1, 2023

Honorable Daniel J. Stewart
James T. Foley U.S. Courthouse
445 Broadway – 4th Floor
Albany, NY 12207

Re: *Berry v. Dart et al.*, 9:19-CV-1570

Dear Judge Stewart,

Enclosed please find a Stipulation and Order of Discontinuance Pursuant to Fed. R. Civ. P. 41(a) discontinuing this action, with prejudice and without damages, costs, interest, or attorneys' fees against Defendants. If the Stipulation is acceptable to the Court, it is respectfully requested that the same be "So Ordered."

Thank you for your attention to this matter and courtesy in this regard.

Respectfully submitted,

s/ *Matthew J. Gallagher*

Matthew J. Gallagher
Assistant Attorney General
Bar Roll No. 701111
Tel: (518) 776-2284
Matthew.gallagher@ag.ny.gov

Enclosure.

CC: All Counsel of Record
Via: CM/ECF